

the “characterized in that” terminology used in the claims as filed is not indefinite in itself. Furthermore, MPEP 2173.05(h) specifically authorizes the use of “optionally” in claims; to avoid any controversy on this issue, however, applicant has added claim 13 to cover the optional feature of claim 12 as filed. Withdrawal of the rejection under 35 USC 112, second paragraph, is respectfully requested.

The rejection of claims 1, 5 and 7 as anticipated by Perry is moot in view of the amendments above.

The rejection of claims 1-12 under 35 USC 102(b) on White is respectfully traversed. White does not teach or suggest making or using shaped articles of a coral of an *Acropora* species. The most that White discloses that is relevant to the invention of this application is making articles for dental or orthopedic uses of a biomaterial that is *derived from* (i.e., not “formed of,” as claimed) a *Porites* coral material that has been transformed by hydrothermal chemical exchange with a phosphate. White, page 3, lines 52-56. The structures disclosed in White are thus not formed from a coral itself, but instead must be significantly transformed from the coral or other marine invertebrate material to a synthetic phosphate material that has essentially the same microstructure as the original skeletal material for use as an implant or other biomaterial. White, page 3, lines 56-58. There is no suggestion in White, furthermore, to use a coral of an *Acropora* species, which is known to be denser and stronger than the *Porites* species coral disclosed by White and which is disclosed in this application to be particularly suitable for machining into forms that can be used as implant materials. Specification, page 10, lines 7-12. White thus teaches away from making shaped articles of coral and instead states that coral materials must be transformed in order to be successful implants or biomaterials. Accordingly, the rejection of claims 3-12 on White should be withdrawn.

Attached hereto is a marked-up version of the changes made to the claims by this amendment, captioned “**Version with markings to show changes made**”.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions

for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 229752001000. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Cancel claims 1 and 2 without prejudice or disclaimer.

3. (Amended) A shaped product or structure [according to claim 1] for medical or related purposes, [characterized in that] wherein said product or structure is formed of [the] a coral of [the] an *Acropora* species.

4. (Amended) A product or structure according to claim [1] 3, [characterized in that] wherein the coral is *Acropora grandis*.

5. (Amended) A product or structure according to claim [1] 3, which is configured as a hardware item for medical or related purposes.

6. (Amended) A product or structure according to claim 5, which is configured in the form of a cylinder, sleeve, pin, screw, bolt, nut, spacer, or flat or curved plate, for medical or related purposes.

7. (Amended) A product or structure according to claim [1] 3, which is configured in the form of a prosthetic or implant device.

8. (Amended) A product or structure according to claim [1] 3, wherein a therapeutically active substance is adsorbed or bound onto the coral.

11. (Amended) A device for medical or related purposes which comprises an assembly of a plurality of shaped products or structures according to any of claims [1] 3 to 10.

12. (Amended) A device according to claim 11, [which is an assembly] comprising first and second elongate members each of which is adapted to be fixed at one end to a long bone, the other ends of each of said first and second elongate members being externally and internally threaded[, respectively,] so that said first member is received by said second member in a threaded inter-engagement to enable the overall length of the device to be adjusted [and optionally an internally-threaded third member in threaded engagement with the first member to

act as a locking nut and lock the second member with respect to the first member at a desired overall length].

Please add new claim 13, as follows:

13. A device according to claim 12, further comprising an internally-threaded third member in threaded engagement with the first member to act as a locking nut and to lock the second member with respect to the first member at a desired overall length.